UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN MOODY, *et al.*,

    Plaintiffs,   Case No. 12-cv-13593
                 HON. GERSHWIN A. DRAIN

vs.

MICHIGAN GAMING CONTROL BOARD,
et al.,
    Defendants.
_____/

ORDER DENYING DEFENDANTS' MOTION TO STRIKE PLAINTIFFS' RESPONSE [#95]

   Presently before the Court is Defendants' Motion to Strike Plaintiffs' Response, filed on June 28, 2013. Defendants maintain that Plaintiffs' Response is untimely. Defendants are incorrect. If Defendants had taken the time to review the Scheduling Order entered by this Court on November 2, 2012, Defendants would have realized that there is no basis for the present motion. This Court's November 2, 2012 Order states:

   I. **TIME**.   Computation of time . . . in this case shall be in conformity
             and accordance with Federal Rule of Civil Procedure 6(a).

See Dkt. No. 29 at 1-2. Defendants' Motion for Summary Judgment was filed on June 3, 2013. Thus, Plaintiffs' Response was due on or before June 25, 2013, the date that Plaintiffs filed their Response. Rule 6 states in relevant part:

   (1) ***Period Stated in Days or a Longer Unit.***
      When the period is stated in days or a longer unit of time:
      (A) exclude the day of the event that triggers the period;
      (B) count every day, including intermediate Saturdays, Sundays, and

> legal holidays; and
>
> (C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday or legal holiday.

Fed. R. Civ. P. 6(a)(1). Therefore, the date that Defendants filed their Motion for Summary Judgment does not count towards the twenty-one day deadline as it was the date that "trigger[ed] the period." *Id.* Further, twenty-one days from June 4, 2013, is June 25, 2013, the date that Plaintiffs submitted their Response.

Accordingly, Defendants' Motion to Strike Plaintiffs' Response [#95] is DENIED.

SO ORDERED.

Dated: July 1, 2013   /s/GershwinA Drain
                                                       GERSHWIN A. DRAIN
                                                       UNITED STATES DISTRICT JUDGE